

REMARKS

Upon entry of this amendment, claims 22-39 remain in the application. New claims 48-52 have been added by this action. Claims 1-21 and 40-47 have been withdrawn from consideration by a previous action. The Office Action of February 14, 2003 has been received and carefully considered. In response thereto, this amendment is submitted. It is submitted that, by this amendment, all bases of rejection and objection are traversed and overcome. Reconsideration is, therefore, respectfully requested.

Claims 22-39 currently stand rejected under 35 U.S.C. § 102(e) as being anticipated by Liff (U.S. Patent No. 6,471,089). The Examiner indicates that the Liff reference discloses the drug dispensing system as described in claims 22, 31, 32, and 36 to include a controller (314), a reservoir of pharmaceutical (20), a drug delivery mechanism (see references 5-6C) and a data network interface coupled to the controller (see Figure 13A). With regard to claims 23, 24, 31-34, 37, 38, and 39, the Examiner indicates that the Liff reference discloses sending messages to and from a health care service provider or drug supplier (see Figures 14T, for example), noting payers, doctors, inventory and refills having files for information pertaining thereto. The Examiner indicates that data messages identifying the patient and the identity of the particular drug are also disclosed in the Liff reference (see Figure 14K) for example. Pertaining to claim 25, the Examiner indicates that the Liff reference discloses a human/display interface (see Figures 14A-14T). Pertaining to claims 26, 27, and 35, the Examiner indicates that the Liff reference discloses effecting payment for the provision of health care service or for a drug (see column 18, lines 14-17). Pertaining to claim 28, the Examiner indicates that the Liff reference discloses that the message is transported over the internet (see Figure 18). Pertaining to claim 29, the Examiner indicates that the Liff reference teaches that the message is transported via wireless (see column 8, line 24). Pertaining to claim 30, the Examiner indicates that the Liff reference discloses a pharmaceutical level detector (182) (see Figure 7C).

Claim 22 currently stands rejected under 35 U.S.C. § 102(e) as being anticipated by Liff. Claim 22 has been amended by this action to more particularly set forth the applicants' invention. The applicants' invention as set forth in claim 22, as amended, is directed to an intelligent drug dispensing appliance which includes a controller and a reservoir of pharmaceutical to be dispensed over time to a patient. The pharmaceutical includes at least one of tablets, liquids, gasses, to be administered to a patient in individual doses according to a treatment regimen. Support for this is found in the specification at page 2, lines 16-20. The intelligent drug dispensing appliance of the present invention as set forth in claim 22 also includes a drug delivery mechanism responsive to the controller and coupled to the reservoir which is capable of dispensing a pharmaceutical to a patient from the reservoir in response to signals from the controller. A further component of the intelligent drug dispensing appliance is a data network interface coupled to the controller.

The Liff reference is directed to an automated pharmaceutical delivery system for the automated dispensing of packaged pharmaceuticals (see column 2, lines 20-40). It is respectfully submitted that the reference fails to teach or suggest a device capable of administering at least one of tablets, liquids, gasses in individual doses according to a treatment regimen. For this reason, it is submitted that the applicants' invention as set forth in claim 22 is not taught, anticipated, or rendered obvious by the Liff reference.

Claims 23-29 currently stands rejected under 35 U.S.C. § 102(e) as being anticipated by Liff. It is submitted that the applicants' invention as set forth in claims 23-29 depend either directly or indirectly from claim 22 to contain all of the limitations found therein. By this dependency, it is submitted that the applicants' invention as set forth in claims 23-29 is not taught, anticipated, or rendered obvious by the Liff reference by the reasons discussed previously in conjunction with claim 22.

Claim 30 currently stands rejected under 35 U.S.C. § 102(e) as being anticipated by Liff. Claim 30 has been amended by this action to more specifically define the applicants' invention. The applicants' invention as set forth in claim 30, as amended, is

directed to an intelligent drug dispensing appliance which further includes a pharmaceutical level detector configured to ascertain at least one of measured weight of the pharmaceutical remaining in the reservoir, decremented amount remaining in the reservoir, depth measurement of pharmaceutical in reservoir and static pressure within reservoir. Support for claim 30 as amended is found in the specification at page 5, lines 9-22. It is respectfully submitted that the Liff reference fails to teach or suggest measurement of pharmaceuticals that include at least one of tablets, liquids, and gasses in the manner indicated.

Claim 31 currently stands rejected under 35 U.S.C. § 102(e) as being anticipated by Liff. Claim 31 has been amended by this action to more specifically set forth the applicants' invention. The applicants' invention as set forth in claim 31, as amended, is directed to an intelligent drug dispensing system providing replenishment of pharmaceutical medication. The system comprises an intelligent drug dispensing appliance that includes a data network interface, a controller, and a reservoir of pharmaceutical to be dispensed to a patient. The pharmaceutical includes at least one of individual tablets, liquids, and gasses to be administered in individual doses. The intelligent drug dispensing system as set forth in claim 31 also includes a pharmaceutical replenishment request data server. It is respectfully submitted that the Liff reference fails to teach or suggest a device whereby at least one of individual tablets, liquids, and gasses can be administered in individual doses. Thus, it is submitted that the applicants' invention as set forth in claim 31 is not taught, anticipated, or rendered obvious by the Liff reference.

Claim 32 currently stands rejected under 35 U.S.C. § 102(e). Claim 32 has been amended by this action to more specifically define the applicants' invention. Claim 32, as amended, is directed to an intelligent drug dispensing system providing replenishment of pharmaceutical medication. The system includes an intelligent drug dispensing appliance having a data network interface, a controller, and a reservoir of pharmaceutical including at least one of individual tablets, liquids, and gasses, to be administered in individual doses. The intelligent drug dispensing system also includes a

pharmaceutical replenishment request data server. It is respectfully submitted that the Liff device fails to teach or suggest a reservoir of pharmaceutical to be dispensed to a patient which includes at least one of individual tablets, liquids, and gasses to be administered in individual doses. For this reasons, it is submitted that the applicants' invention as set forth claim 32 is not taught, anticipated or rendered obvious by the Liff reference.

Claims 33-35 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by Liff. The applicants' invention as set forth in claims 33, 34, and 35 depend directly from either claim 31 or claim 32 to contain all of the limitations found therein. By this dependency, it is submitted that the applicants' invention as set forth in claims 33, 34, and 35 is not taught, anticipated, or rendered obvious by the cited references for the reasons discussed previously in conjunction with claims 31 and 32.

Claim 36 stands rejected under 35 U.S.C. § 102(e) as being anticipated by the Liff reference. Claim 36 has been amended by this action to more specifically define the applicants' invention. The applicants' invention as set forth in claim 36, as amended, is directed to an intelligent drug dispensing system providing automatic replenishment of pharmaceuticals which comprises a pharmaceutical replenishment request data server operatively coupled to a data network so as to receive pharmaceutical replenishment request messages from at least one intelligent drug dispensing appliance. The intelligent drug dispensing appliance includes a controller in a reservoir of pharmaceutical to be dispensed over time to a patient in a plurality of discrete doses. It is respectfully submitted that the Liff reference fails to teach or suggest the dispensation of pharmaceutical to a patient in a plurality of discrete doses. Thus, it is submitted that the applicants' invention as set forth in claim 36 is not taught, anticipated, or rendered obvious by the Liff reference.

Claims 37, 38, and 39 also stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Liff reference. Claims 37, 38, and 39 depend from claim 36 to contain all of the limitations found therein. By this dependency, it is submitted that the

applicants' invention as set forth in claims 37, 38, and 39 is not taught, anticipated or rendered obvious by the Liff reference for the reasons discussed previously in conjunction with claim 36.

New claims 48-52 have been added by this amendment. Support for new claims 48 and 49 is found in the specification at page 2, lines 26-28. Support for new claims 50 and 51 is found in the specification at page 3, lines 1-6. Support for new claim 52 is found in the specification at page 3, lines 16-30.

In summary, claims 22, 30, 31, 32, 36, and 38 have been amended. New claims 48-52 have been added by this action. Discussion has been presented as to why the applicants' invention as set forth in claims 22-38 is not taught, anticipated, or rendered obvious by the cited reference. It is respectfully submitted that, in view of these actions, the applicants' invention as set forth in claims 22-39 and new claims 48-52 is not taught, anticipated, or rendered obvious by the cited references. It is further submitted that the applicants' invention as set forth in these claims is in a condition suitable for allowance. A Notice of Allowance is, therefore, respectfully requested.

Respectfully submitted,



Denise M. Glassmeyer
Attorney for Applicant
Registration No. 31,831
(248) 649-9900

Date: May 13, 2003
3331 West Big Beaver Road
Suite 109
Troy, Michigan 48084-2813
DMG/ljo